



## OHV Advisory Committee Meeting Minutes

Meeting Minutes			
Meeting Name	OHV Advisory Committee Meeting (4)		
Date	6-15-11	Time	1:30 PM – 4:30 PM
Location	Purgatory Chasm State Reservation Sutton, MA	Meeting Host	Phillip Griffiths, EEA Stephanie Cooper, EEA
Attendees			
Griffiths, Philip (EEA)	Stephanie Cooper (EEA)	Ken Anderson	William Riordan (for Chris Burton)
Lt. Merri Walker (OLE)	Susan Hibbert	Rena Sumner (for Randy Toth)	Priscilla Chapman
Tad Ames	Colleen McGuire (for Lewis Howe)	Sharon Jordan	Briere, Gary (DCR)
Celia Riechel (EEA)	Linda Lacke (for Peter Masiokas)		
Absentees			
Dan D'Arcy	Chris Mossman	Chief Ernest Horn	
Aaron Gross (OLE)			

Synopsis of Items Discussed
<p><b>1. Summary of public comments received and action taken by the Office of Law Enforcement (OLE) – Lt. Merri Walker</b></p> <p>Many helpful and constructive comments were received by various stakeholders and others interested in the issue. The public sessions were well-attended. OLE considered all the comments and concerns that were received and made a few changes to the emergency regulations. They are:</p> <ul style="list-style-type: none"><li>- The prohibition on riding by those under the age of 10 was changed to allow for some specific and limited exceptions.</li><li>- The redundant wetlands section, the contents of which were adequately covered in a previous section, was removed.</li><li>- The number of locations on a vehicle in which the registration decal may be displayed was expanded, such that any place is acceptable so long as it is visible</li></ul> <p>Some members expressed a desire to reconsider the language of the under age 10 exemption, and whether it should distinguish between ATVs and dirt bikes. The law that was passed makes a specific distinction between ATVs and other vehicles; since the regulations must</p>

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adhere to the law, they, too, make the distinction.

Some members also expressed a desire to have safety training for children under age 10 count as an official, sanctioned event.

Request for a chart breakdown of regulations by OHV type and rider age. This could help focus the committee's attention.

Some members expressed concern that dirt bike riders and advocates are better organized than the ATV community, which feels underrepresented in this process and unfairly targeted by enforcement efforts.

Concern that vehicle-horse interactions were not adequately dealt with: the language "safe passing speed" can be variously interpreted and may not be sufficient to ensure safety on the trail for all users. Education of all trail users about how to interact with horses should be part of safety training and general trail education.

Concern that restrictions on 12-14 year old riders of snowmobiles were relaxed from previous regulations. Snowmobiles do not race; they ride trails and should be allowed to do so only under adult supervision. They should also be required to have the same safety training as other riders.

Some members expressed confusion over whether pre-existing off-road vehicle license plates will be grandfathered until they get their new sticker.

Confusion about whether non-residents must pay sales tax on their registrations. For instance, New Hampshire residents who buy their vehicle in New Hampshire—do they have to show proof to OLE that they paid sales tax, or will the dealer show that they paid tax to Massachusetts?

Confusion over whether the fee is a registration or a user fee.

Concern that requiring riders to go in person to one of only four Office of Motor Vehicles locations, during business hours, is unnecessarily prohibitive and may result in fewer registrations than if it were easier to register. Online registration, or registration in convenience stores, etc. would get higher compliance rates and be less likely to discourage spur-of-the-moment tourism to ME or NH.

Requiring proof of title might help identify and recover stolen vehicles.

While the formal comment period specifically for the emergency regulations was completed as of June 24th, the public is always free to comment on this and any regulation. If there are issues that people feel are unresolved, or concerns that were not under consideration during this process, they could only be addressed if a regular regulatory review process was initiated. A normal regulatory review process can be initiated either through an act of the legislature, or an agency decision. This would be a different, longer process than the emergency regulations process: emergency regulations take effect immediately and allow 90 days for changes to be made; a regular review process can take much more time, and the regulations that emerge from it do not take effect until the whole process is completed.

### **2. OHV Program Fund Update, Stephanie Cooper, EEA**

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Discussion of handout.

FY11 Revenue through May 31, 2011 was \$722,405, with an additional \$77,595 in revenue expected, totalling \$800,000 in FY11 revenue. Approved expenditures total \$767,436, which included a lot of one-time startup costs associated with regulation and enforcement, such as decal printing, helmets, and an ID machine. These costs should be minimal in subsequent years.

Twenty-five percent (\$200,000) of the current fund balance is set aside for trails or land; 25% is a minimum, and could be increased in future years. These funds could be used for the siting process for new trails. It could be used to leverage funds from Recreational Trails. This committee is going to play a big role in helping to decide how these funds should be used.

### **3. DCR Landscape Designation process update – Gary Briere, DCR**

About 350 people have attended any of seven meetings that DCR has held throughout the state as an outgrowth of the Forest Visioning process. We'll continue to accept comments until August; after going through them, we will make decisions about final designation of Parklands, Reserves and Woodlands.

When we asked them if they thought this would be better, worse, or neutral for the property they cared about most, most people said they thought it would be worse, or don't know. Recreational access was a big issue. We're also hearing from jeep drivers. To clarify, DCR does not allow vehicles over 1,000lbs. GVW anywhere on their property or trails.

Some members reiterated confusion about whether OHV fees are user fees or registration fees. What if they don't ride on state land? Why do jeep drivers have to pay 90B registration fees if they aren't allowed to drive on state land?

In theory, the 25% of the OHV fund dedicated to land and trails could be used to acquire land specifically for jeep trails. As a result of this we have some new rangers in Pittsfield and October Mountain, and by next year we will have more information from them on users that may help inform the issue.

The definition of Forest Reserves prohibit new OHV trails. Pre-existing DCR, DWSP, and DFG reserve designations already prohibited OHVs; this is just trying to clarify and accommodate where possible. Myles Standish will not be open to OHVs. Other new trails will probably not be opened until we are able to demonstrate good management and maintenance of existing OHV trails. This may be difficult because current OHV trails are overused and deteriorated, which deters many riders from using these legal OHV trails.

### **Synopsis of Next Steps/Action Items**

1. Create a chart of regulations breaking them down by OHV type and rider age
2. OHV fund update chart posted online
3. Outreach or training materials to local police departments
4. What does a good OHV trail/ area look like? Field trip to NH or USAC Hodges Village Dam

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<b>Previous Meeting date</b>	May 6, 2011
<b>Next Meeting Date</b>	September 21st, 2011
<b>Next Meeting Time</b>	11:00am – 3:00pm
<b>Next Meeting Location</b>	US Army Corps Hodges Village Dam, Oxford, MA